

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GEORGE RESSLER

Plaintiff,

v.

ABC Imaging of Washington, Inc.

Defendant.

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NO. 4:21-CV-03486

JURY DEMANDED

DECLARATION OF ROBERT J. FILTEAU

1. My name is Robert J. Filteau and I am over 18 years of age, competent to make thus declaration, and making this declaration pursuant to the provisions of 28 U.S.C. §1746.

2. I am a licensed attorney practicing in Harris County, Texas. I represent George Ressler in this matter.

3. I have been a member of the Texas Bar since 1980. I am also admitted to practice in Massachusetts (retired status), Louisiana (inactive status) and Montana. I am admitted to practice before the United States Court of Appeals for the Fifth Circuit, as well as the United States District Courts for the Southern, Eastern, Western and Northern District of Texas. For over 40 years I have practiced civil litigation exclusively. I have handled cases involving complex commercial litigation, products liability, and maritime claims. I also represent plaintiffs and defendants in employment-related litigation and administrative proceedings.

4. I am the attorney-in-charge for Mr. Ressler's case and I performed all of the legal work in this matter. I am familiar with the reasonable and customary hourly rates charged by lawyers in Harris County working on similar cases. Although this case is being handled on a contingent fee basis, my hourly rate for similar cases is \$495.00 per hour, and this rate has been approved by two federal judges in the Southern District. This rate is well within the market rate for attorneys with similar experience in this jurisdiction.

5. I have attached to this declaration my time records which reflect the billable time I spent on this case. I have omitted time which was, in my billing judgment, excessive or unproductive. The total amount due to the Law Offices of Filteau & Sullivan, Ltd., LLP for attorney's fees is \$9,553.50.

6. This type of FLSA case may be seen as undesirable by some attorneys because it is a single plaintiff case with modest damages, making it difficult for clients to retain an attorney.

EXHIBIT E

Nevertheless, employees who are not being paid appropriately deserve to have their day in court. The degree of success obtained is the most critical factor in determining an attorney's fee award. *Saizan v. Delta Concrete Prods. Co.*, 448 F.3d 795,799 (5th Cir. 2006) (footnote omitted). Even though this case did not require discovery and a trial, it still required a thorough investigation, drafting of pleadings, and drafting of the requisite documents to present a motion for default judgment to the court. Other *Johnson* factors that should be considered by the court are the experience, reputation and ability of the attorney, and awards in similar cases.

7. The Plaintiff has incurred \$402.00 in filing fees, and 75.00 in service of process fees, for total costs of \$477.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 14, 2022, in Houston, Texas.

A handwritten signature in dark ink, appearing to read 'Robert J. Filteau', is written over a horizontal line.

Robert J. Filteau

**THE LAW OFFICES OF FILTEAU &
SULLIVAN, LTD., LLP**

1110 NASA Parkway, Suite 470

Houston, Texas 77058

Phone (713) 236-1400 Fax (713) 236-1706

INVOICEINVOICE #393-000.1.22
DATE: JANUARY 14, 2022**TO:**George Ressler
[REDACTED]
[REDACTED]

Houston, Texas 77077

Email: [REDACTED]

RE:

ABC Imaging of Washington, Inc.

TIME	DESCRIPTION	RATE	DATE	AMOUNT
.50	Conf. w/potential client (.50).	\$495.00	09/28/2021	247.50
.20	Conf. w/potential client (.10); email to/from PC (.10).		09/29/2021	99.00
.30	Receipt and review of some of PC's earning statements (.30).		09/30/2021	148.50
.60	Prep contingent fee contract (.30); conf w/ PC (.30).		10/05/2021	297.00
.10	Email to PC (.10).		10/06/2021	49.50
.20	Email from client (.10); email to client.		10/11/2021	99.00
.40	Prep pre-suit letter to ABC Imaging of Washington (.30); email to client (.10)		10/12/2021	198.00
.20	Finalize and send letter to ABC by FEDEX (.20).		10/13/2021	99.00
1.40	Draft complaint (1.40).		10/20/2021	693.00
.70	Revise and finalize complaint (.70).		10/21/2021	346.50
.20	File complaint (.20).		10/22/2021	N/C
1.30	Prep notice of lawsuit and request to waive service of summons (1.20); receipt and docket court's order for conference and disclosure of interested parties (.10).		10/25/2021	643.50
.90	Reviewing federal rules and local rules re default judgment procedure (.80); reviewing Judge Bennett's default judgment procedures (.10).		12/28/2021	445.50
3.70	Conf. w/client (1.20); drafting motion for default judgment (.40); drafting portion of plaintiff's declaration (2.10).		01/05/2022	1831.50
.80	Drafting portion of plaintiff's declaration (.80).		01/07/2022	396.00
1.70	Research applicability of fluctuating workweek method (.90); revising declaration (.70); conf w/client (.10).		01/10/2022	841.50
TOTAL				

Make all checks payable to THE LAW OFFICES OF FILTEAU & SULLIVAN, LTD., LLP

Thank you for your business!**EXHIBIT E**

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Houston, Texas 77058

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[REDACTED]
Houston, Texas 77077
Email: [REDACTED]**RE:**

ABC Imaging of Washington, Inc.

TIME	DESCRIPTION	RATE	DATE	AMOUNT
4.10	Conf. w/client (.80); Drafting portion of memorandum of law (3.30).	\$495.00	01/11/2022	2029.50
1.50	Research in conjunction with memo of law (.80); drafting memo of law (.70).		01/12/2022	742.50
.70	Revise and finalize memo of law (.60); prep proposed order (.10).		01/13/2022	346.50
TOTAL				\$9553.50

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Thank you for your business!**EXHIBIT E**

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Ltd., LLP**

1110 NASA Parkway, Suite 470
Houston, Texas 77058
Phone (713) 236-1400 Fax (713) 236-1706

**EXPENSES
INVOICE**

INVOICE #393.000.1.22.EXP
DATE: JANUARY 14, 2022

TO:

George Ressler
[REDACTED]
Houston, Texas 77077
Email: [REDACTED]

FOR:

ABC Imaging of Washington, Inc.

DATE	DESCRIPTION	RATE	AMOUNT
10/22/2021	Filing fee – U.S. Dist. Ct.		\$402.00
12/07/2021	Profession Civil Process		75.00
TOTAL			\$477.00

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Thank you for your business!

EXHIBIT E